

DEPARTMENT OF THE ARMY
Missouri River Division, Corps of Engineers
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MRD-M 690-1-29

MRD Memorandum
No. 690-1-29

1 May 1988

Civilian Personnel
HOURS OF DUTY, OVERTIME, COMPENSATORY TIME AND HOLIDAY PAY

1. Purpose. This memorandum implements Federal and Army regulations on Hours of Duty, Overtime, Compensatory Time and Holiday Pay.
2. Applicability. This memorandum is applicable to all civilian employees of the Missouri River Division Office.
3. References:
 - a. Federal Personnel Manual, Chapters 610 and 630
 - b. Federal Personnel Manual, Supplement 990-2 (Books 610 and 630)
 - c. Federal Personnel Manual, Letter 550-71
 - d. Federal Personnel Manual, Chapter 550
 - e. Federal Personnel Manual, Supplement 990-2 (Book 550)
 - f. DA Civilian Personnel Regulations 610, 630, and 990-2 (Books 610 and 630)
 - g. DA Civilian Personnel Regulations 550 and 990-2 (Books 610 and 630)
 - h. ER 37-1-20, Timekeeping, Pay and Leave Accounting Procedures
 - i. ER 690-1-550, Pay Administration (General)
 - j. ER 690-1-600, Leave and Hours of Duty
 - k. MRD-R 690-1-2, Overtime, Compensatory Time and Holiday Service

This memorandum supersedes DR 690-1-3, 1 Aug 79, DR 690-1-6, 3 Dec 79, DR 690-1-705, 8 Apr 71, DR 690-1-707, 11 Apr 67, and MRD-M 690-1-29, 15 Aug 85, for the Missouri River Division office employees.

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4. Definitions.

a. Administrative Workweek. A designated period of seven consecutive calendar days normally beginning at 0001 hours on Sunday and ending at 2400 hours the following Saturday.

b. Regularly Scheduled Administrative Workweek. The period within an administrative workweek when employees are required to be on duty regularly.

c. Basic Workweek.

(1) Full-Time Employees. The basic workweek is the 40-hour workweek established during the administrative workweek.

(2) Part-Time Employees. The basic workweek is the prescribed days and hours (totaling less than 40 hours) within the administrative workweek during which the employees are required to be on duty regularly.

d. Primary Organizational Element. An organizational element in which the chief reports directly to the Division or Deputy Division Commander.

e. Rotating Tour of Duty. Regular scheduled tours of duty which periodically require service on a different shift.

f. Tour of Duty. The hours of the day and the days of an administrative workweek that are scheduled in advance and during which an employee is required to perform on a regularly recurring basis.

g. Flexitime. A system of work scheduling which splits the workday into two distinct kinds of time -- core time and flexible time.

h. Core Time. That portion of the workday during which all employees, unless in an approved leave or excused absence status, must be present for work.

i. Flexible Time. That portion of the workday during which the employee has the option to select a starting and quitting time within the limits established by this regulation.

5. Hours of Duty.

a. Responsibilities:

(1) Deputy Division Commander will approve all changes in tours of duty for all Division personnel.

(2) Chiefs of primary organizational elements will review and recommend changes in tours of duty for personnel under their jurisdiction, and forward such changes through the Personnel Office to the Deputy Division Commander.

(3) Supervisors will:

(a) Administer the provisions of this regulation for employees under their jurisdiction.

(b) Evaluate work requirements for accomplishing assigned functions and initiate requests for any required changes in tours of duty with justification, through channels to chiefs of primary organizational elements.

(c) Notify affected employees of approved tours of duty.

(4) Personnel Officer will:

(a) Interpret regulations governing the establishment of tours of duty and provide management officials with specific guidance and assistance on tours of duty.

(b) Evaluate requests for changes in tours of duty in accordance with requirements in Chapter 610 of the Federal Personnel Manual and forward these requests to the Deputy Division Commander.

b. Administrative Workweek. The administrative workweek for the Missouri River Division Office will consist of seven consecutive days beginning at 0001 hours on Sunday and ending at 2400 hours the following Saturday.

c. Normal Basic Workweek. Except as modified by Flexitime, or other previously approved schedules, the normal basic workweek will consist of five consecutive days. Any deviations from the approved basic workweek as modified by Flexitime and other currently approved schedules, will be submitted through channels to the Personnel Office for review and final action by the Deputy Division Commander.

d. Normal Hours of Business. Chiefs of Divisions and Separate Offices, will ensure that work schedules will provide for sufficient office coverage during the period 0730 - 1615 to respond to phone calls and requests for assistance.

6. Flexible Work Schedules.

a. Flexitime. Flexitime is an approved deviation from the Normal Basic Workweek and/or Normal Lunch Period. The objective of flexitime is to increase the morale and productivity of employees by allowing more independence in setting their hours of work. A necessary element in

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achieving this objective is the assumption by all employees of a high degree of personal responsibility. When accomplishment of the mission requires the presence of either a group of employees or individual employees, supervisors will make the determination and set working hours for those concerned. It is expected that supervisors will not establish fixed working hours, except where the timing is externally controlled.

b. Flexitime Procedures.

(1) Tours of duty will consist of a 40-hour workweek composed of five 8-hour days, Monday through Friday except for less than fulltime employees. Except for the lunch break, an 8-hour workday consisting of either leave or duty must be observed in the period 0700 to 1730 hours. Flexitime provisions include a split core, i.e., 0830 to 1130, a flexible period from 1130 to 1300, and a second core period from 1300 to 1530 hours. The standard work hours for the MRD Lab will be from 0630 to 1500 hours.

(2) A lunch period of at least 30 minutes will be taken between 1130 and 1300 daily. As a day-to-day option, a lunch break of up to 90 minutes is authorized. The lunch break must begin and end on 5-minute divisions of the hour during the period 1130-1300. Employees must "sign-out" upon beginning the lunch period and "sign-in" when returning to duty by recording the appropriate starting and ending times. An employee who returns between a 5-minute divisor must sign-in at the next approved return time. (Note: as can be seen on the Appendix B table, those arriving later than 0800 will not be able to take the maximum 90-minute lunch break.)

(3) Employees on TDY or on official business away from the Division Office will adjust their working hours to a routine which conforms to the purpose of the visit and which will gain the greatest advantage to the Government of the hours worked.

(4) Annual leave must be scheduled by the employee and approved in advance by the responsible supervisor. Whenever unscheduled leave is required, the employee must notify his/her supervisor as soon as possible but not later than 0830 on the day leave is requested if the employee is not reporting for duty on that day.

(5) A supervisor has the prerogative to approve or disapprove annual or sick leave. An employee may have a legitimate reason for being absent; however, because of a need for that employee's services his/her leave may not be approved. Disapproved annual leave must be rescheduled so as to preclude loss of annual leave by the end of the leave year.

(6) To provide a means by which supervisors may be aware of the hours during which their employees are to be present and a means by which employees can conveniently, regularly, and uniformly record and account for the required eight hours per day, individual sign-in/sign-out sheets must be maintained in every office for each employee choosing to participate in flexitime.

(a) All participating employees (including supervisors and management officials) who are permitted to work a flexible work schedule must use sign-in/sign-out sheets, entitled "Alternate Work Schedule Time Record" ENG Form 4704. Use of this form requires the employee to sign in and out when reporting to or departing from duty. An example of an appropriately completed ENG Form 4704 is shown at Appendix A.

(b) The sign-in/sign-out sheet, ENG Form 4704, is available through the Information Management Office.

(c) The sign-in/sign-out sheets should be maintained together in a central location that best accomplishes the purposes for its use - to provide a means by which supervisors are aware of the hours during which their employees are to be present. Maintenance within the smallest organizational unit that exists is recommended.

(d) Time recorded on ENG Form 4704 is subject to approval by the supervisor and need not be considered positive proof of hours marked unless the supervisor concurs. The supervisor may question time recorded on ENG Form 4704 and amend recorded hours for posting to the Time and Attendance Report (T&A). ENG Form 4704 (signed by the employee and approved by the supervisor) will be used in lieu of SF 71 or initialing of the T&A. (SF 71 or initialing of the certified T&A will be required of those employees not participating in Flexitime.)

(e) Timekeepers may post from ENG Form 4704 when the supervisor has approved or amended the recorded hours.

(f) ENG Form 4704 is the only authorized subsidiary time recording form.

(g) Supervisors will be responsible for retention of all ENG Forms 4704 for audit purposes. ENG Forms 4704 will be retained for a period of 6 years in accordance with AR 25-400-2, Appendix B, Paragraph 37-105d. Generally, completed ENG Forms 4704 should be retained on site for the current year plus one additional year then transferred to off-site storage for the remainder of the retention period.

(h) The columns headed "Non-Premium Pay Hours" (Reg Pay Hours Worked, Holiday, Annual Leave, Sick Leave, etc.), "Premium Hours" (paid Overtime, Compensatory Time Earned, and Paid Holiday) and "Non-Pay Hours" will be used to record and account for employee time.

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(i) The column headed "Credit Hours" and notations (1) and (2) located at the bottom of ENG Form 4704 (as referenced in columns headed, "Total Hours Worked (1)" and "Nonpremium Pay Hours (2)") are inapplicable and should be disregarded.

(7) Generally, each employee may, as a daily option, select any start time 0700 - 0830 (except for the MRD Lab). Approved starting times are at 5-minute divisions of the hour, i.e., 0700, 0705, 0710, etc. If actual arrival time falls between the 5-minute divisions, the employee must sign-in at the next approved starting time and begin work accordingly. Approved departure times are also at 5-minute divisions of the hour, from 1530 - 1730 hours. Departure time is determined based on starting time and length of the lunch period selected and can most easily be established by referring to the table at Appendix B. A copy of this table will be included with each sign-in/sign-out sheet and/or distributed to each employee.

(8) Consistent with organizational needs and objectives, supervisors will allow maximum flexibility and impose minimum restrictions. However, some employees may be restricted or may not be able to participate due to operational considerations or for reasons relating to such things as safety and security. In addition, a supervisor may, on an irregular basis, direct an employee to be present for duty at a specified time when such is necessary for workload or operational reasons and, similarly, may impose restrictions on the timing and duration of the lunch period. Employee lunch periods should be coordinated by each supervisor to assure continuous office coverage.

(9) Employees who fail to account for the required eight hours per day or otherwise fail to abide by established flexitime procedures, may, at the discretion of individual supervisors, be restricted to a fixed schedule. Normally, such a fixed schedule will be the former schedule in effect for the Division Office (0730 - 1615 with a 45-minute lunch period from 1130 - 1215). Abuse of the privileges granted by flexitime - for instance, tardiness; recording false arrival or departure time; failure to account for the required eight hours per day; taking a lunch break in excess of that recorded; etc. - may also result in AWOL, LWOP, or annual leave charges or may become the basis for disciplinary action, including removal if the offenses are repetitious or flagrant.

(10) Hours of Work for Nonparticipants. For employees who do not choose to participate in flexitime, the hours of duty are 0730 - 1615 hours with a 45-minute lunch period from 1130 - 1215 hours, Monday through Friday. Nonparticipating employees are exempt from sign-in/sign-out requirements.

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7. a. Overtime, Compensatory Time, and Holiday Pay. These forms of compensation will be restricted to the absolute minimum consistent with safety, economy, and efficient management and will be utilized only in unusual emergency situations as discussed in SI-4i, Book 610, CPR 990-2. Prior to establishing overtime schedules, regular 40-hour tours will be reviewed to determine whether overtime can be avoided by rescheduling the 40-hour tours of any or all employees involved. Further, any situation requiring overtime will be reviewed periodically with a view toward reducing or discontinuing the overtime. Such situations may include:

(1) Preservation of health, welfare and safety of personnel or protection of Government property.

(2) Temporary peak workloads or seasonal requirements when overtime is more economical than hiring additional staff.

(3) Unique requirements when overtime is more economical than payment of demurrage or other charges.

b. Compensation Limitation.

(1) Pursuant to the Federal Employees Pay Act of 1945, as amended, additional compensation (e.g., overtime pay and compensation for holiday work) provided by the Act may be paid only to the extent that it does not cause the aggregate compensation for any pay period to exceed the maximum biweekly gross rate or as otherwise provided for by law. Once the statutory limit is reached, no additional entitlement in either paid overtime or compensatory time is authorized. This maximum limitation does not apply to nonexempt employees entitlement under Fair Labor Standards Act (FLSA) or wage grade employees.

(2) An employee whose basic rate of pay does not exceed the minimum rate for grade GS-10 will receive one and one-half times the basic hourly rate of pay for overtime services. An employee whose basic rate of pay exceeds the minimum rate for grade GS-10 will receive one and one-half times the hourly rate of pay for the minimum step of grade GS-10 for overtime services. (This limitation does not apply to nonexempt employees' entitlement under FLSA or wage grade employees.)

c. Approval.

(1) All paid overtime, compensatory time, and holiday pay for employees will be approved by Chiefs of Divisions and Separate Offices.

(2) Request for overtime will be submitted for approval prior to the fact. However, an exception to this will be in the instance of emergencies involving the preservation of health, welfare, safety of personnel, protection of Government property and interest, or continuity of operations which may occur outside regular duty hours making advance approval of overtime impracticable. The above "after-the-fact" overtime will be documented for approval on a confirmation basis.

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(3) Procedures Documentation. All overtime will be documented on DA Form 5172-R, Request, Authorization, and Report of Overtime (May 84). A separate request will be made for each payroll group by pay period. Each request will contain:

(a) Employee social security number.

(b) Employee name.

(c) Employee grade and step.

(d) Date work is to be performed.

(e) Clock hours of duty.

(f) Number of hours authorized.

(g) Method of compensation.

(h) Nature of duties and justification for overtime. Enter a short description of the work to be performed and explain the basis of need and application of overtime; e.g., deadlines, last minute suspenses, unusual or peak workload, full description of where overtime is to be applied, and expected results in terms of products and services.

(4) Bulk overtime listings are prohibited.

(a) Annual leave will not be scheduled or taken during the same week that overtime is worked except in emergency situations which must be fully documented on the overtime request.

(b) Dispositions of Approved Overtime Authorization. DA Form 5172-R will be maintained by the supervisor certifying the time and attendance report. This form will be maintained for the current year plus one year. Audits will be conducted to ensure overtime is properly justified and authorized.

(5) Holiday Service. Work on holidays is subject to the same restrictions and controls and will be approved in the same manner as other paid overtime.

(6) Compensatory Time.

(a) No Wage Grade (WG/WS) employee will be provided compensatory time.

(b) No non-exempt GS employee will be provided compensatory time without prior approval by Chiefs of Divisions or Separate Offices, and then only if the employee has requested compensatory time and takes the time off during the same week that it is earned.

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(c) Exempt employees in grades GS-12 and above will be requested to accept compensatory time in lieu of paid overtime. Compensatory time off must be satisfied with time off prior to conversion to paid overtime (13 pay periods).

NOTE: Determination of employees exempt/non-exempt status from provisions of FLSA for purposes of overtime and compensatory time off applications is the responsibility of the supervisor. This data is reflected on the individual job description, timecard, or can be provided by the Personnel Office.

(d) Control Procedures - Compensatory Time Off. Officials approving compensatory overtime will be responsible for procedures with timekeepers to ensure non-conversion to paid overtime. When compensatory leave cannot be taken within the prescribed period, the employee must be paid for such time based on the rate in effect at the time the overtime was worked. DA Form 5172-R for the payment of compensatory time will be prepared and signed by the official who approved the compensatory time and will state the reason why compensatory leave could not be granted. A copy of the DA Form 5172-R will be retained as stated in paragraph 7e (4) (b) above.

(e) Compensatory leave taken will be documented by the timekeeper and initialed by the employee as required in the Timekeeping, Pay and Leave Accounting Procedures Manual (ER 37-1-20).

8. Fair Labor Standards Act. The Fair Labor Standards Amendments of 1974 brought Federal employees within the purview of the FLSA. Under FLSA, management cannot accept the benefits of a non-exempt employee's work without compensating the employee for that work. A non-exempt employee is entitled to overtime pay (for hours worked in excess of 40 a week) for all work which management "suffers or permits" to be performed. Therefore, any work performed prior to or after the established shift hours or during the prescribed lunch period by a non-exempt employee, whether requested or not, is working time if the supervisor knows or has reason to believe it is being performed. It is not sufficient to issue a rule that non-exempt employees may not perform work outside normal work hours unless ordered to do so, or that they may not perform such overtime work without a clear indication from the responsible manager or supervisor that it will be approved after the fact. Responsible managers and supervisors must ensure their non-exempt employees do not perform overtime work unless they are prepared to ensure overtime pay. Non-exempt employees are directed to avoid work in excess of 40 hours unless specifically directed in writing to do so by their supervisor.

FOR THE COMMANDER:

/s/

GEORGE T. LA BLONDE, JR.
Colonel, Corps of Engineers
Deputy Commander

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2 Appendices

APP A - Alternate Work Schedule Time Record

APP B - Flexitime Starting & Departure Times

DISTRIBUTION:

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APPENDIX A

ALTERNATE WORK SCHEDULE TIME RECORD

ENG FORM 4704

See hard copy form in Information Management Office files

APPENDIX B

FLEXITIME STARTING & DEPARTURE TIMES

For 8-Hour Workday with Optional-Length Lunch Period

DEPART

Length of Lunch Period - Minutes													
START	30	35	40	45	50	55	60	65	70	75	80	85	90
7:00	3:30	3:35	3:40	3:45	3:50	3:55	4:00	4:05	4:10	4:15	4:20	4:25	4:30
7:05	3:35	3:40	3:45	3:50	3:55	4:00	4:05	4:10	4:15	4:20	4:25	4:30	4:35
7:10	3:40	3:45	3:50	3:55	4:00	4:05	4:10	4:15	4:20	4:25	4:30	4:35	4:40
7:15	3:45	3:50	3:55	4:00	4:05	4:10	4:15	4:20	4:25	4:30	4:35	4:40	4:45
7:20	3:50	3:55	4:00	4:05	4:10	4:15	4:20	4:25	4:30	4:35	4:40	4:45	4:50
7:25	3:55	4:00	4:05	4:10	4:15	4:20	4:25	4:30	4:35	4:40	4:45	4:50	4:55
7:30	4:00	4:05	4:10	4:15	4:20	4:25	4:30	4:35	4:40	4:45	4:50	4:55	5:00
7:35	4:05	4:10	4:15	4:20	4:25	4:30	4:35	4:40	4:45	4:50	4:55	5:00	5:05
7:40	4:10	4:15	4:20	4:25	4:30	4:35	4:40	4:45	4:50	4:55	5:00	5:05	5:10
7:45	4:15	4:20	4:25	4:30	4:35	4:40	4:45	4:50	4:55	5:00	5:05	5:10	5:15
7:50	4:20	4:25	4:30	4:35	4:40	4:45	4:50	4:55	5:00	5:05	5:10	5:15	5:20
7:55	4:25	4:30	4:35	4:40	4:45	4:50	4:55	5:00	5:05	5:10	5:15	5:20	5:25
8:00	4:30	4:35	4:40	4:45	4:50	4:55	5:00	5:05	5:10	5:15	5:20	5:25	5:30
8:05	4:35	4:40	4:45	4:50	4:55	5:00	5:05	5:10	5:15	5:20	5:25	5:30	—
8:10	4:40	4:45	4:50	4:55	5:00	5:05	5:10	5:15	5:20	5:25	5:30	—	—
8:15	4:45	4:50	4:55	5:00	5:05	5:10	5:15	5:20	5:25	5:30	—	—	—
8:20	4:50	4:55	5:00	5:05	5:10	5:15	5:20	5:25	5:30	—	—	—	—
8:25	4:55	5:00	5:05	5:10	5:15	5:20	5:25	5:30	—	—	—	—	—
8:30	5:00	5:05	5:10	5:15	5:20	5:25	5:30	—	—	—	—	—	—

(NOTE: As can be seen on the table, those arriving later than 8:00 a.m. will not be able to take the maximum 90-minute lunch break.)